

Notice of Allowability

Application No.

09/692,722

Examiner

Christopher Bottorff

Applicant(s)

STAINES ET AL.

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed April 15, 2004.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ The drawings filed on 19 October 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jerome Drouillard on June 16, 2004.

The application has been amended as follows:

In the claims:

Claim 2, line 6, after "bearer regions" delete "(4)", and after "a first" delete "value"

and insert --thickness--

line 7, delete "T1"

line 8, after "a second" delete "value T2,T2" and insert --thickness, the
second thickness being--

line 9, after "greater than" delete "T1" and insert --the first thickness--

line 11, after "higher than the" delete "value T1" and insert --first
thickness--, and after "lower than the" delete "value T2" and
insert --second thickness--

Claim 4, line 6, after "first" delete "value H1" and insert --distance--

line 8, delete "value H2,H2 greater than H1" and insert --distance, the

second distance being greater than the first distance--

line 10, after "higher than the" delete "value H1" and insert --first

distance--, and after "lower than the" delete "value H2" and

insert --second distance--

Claim 6, line 5, after "a first" delete "value E1" and insert --modulus of elasticity--

line 6, after "a second" delete "value E2, E2" and insert --modulus of

elasticity, the second modulus of elasticity--

line 7, after "greater than" delete "E1" and insert --the first modulus of

elasticity--

line 9, after "higher than the" delete "value E1" and insert --first modulus

of elasticity--, and after "lower than the" delete "value E2" and

insert --second modulus of elasticity--

Claim 14, line 4, after "adjacent" delete "a middle portion" and insert --the bearer

regions--, and after "a first" delete "value D2, D2" and insert --

density--

line 5, delete "being greater than D1"

line 6, after "adjacent" delete "the bearer regions" and insert --a middle

region--, and after "a second" delete "value" and insert

--density--

line 7, delete "D1" and insert --, the second density being greater than

the first density--

line 8, before "intermediate regions" delete "an"

line 9, after "higher than the" delete "value D1" and insert --first

density--, and after "lower than the" delete "value E2" and insert
--second density--.

Allowable Subject Matter

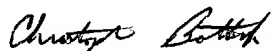
Claims 1-15 are allowed. As discussed to the remarks to the amendment filed April 15, 2004, the apparatus defined in claim 1 is not taught by the prior art. Previously withdrawn claims 2-7 and 13-15 are rejoined. Claims 2-15 are allowed due to their dependence from allowed independent claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher Bottorff



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